



In the Missouri Court of Appeals Eastern District

OPINION SUMMARY MISSOURI COURT OF APPEALS EASTERN DISTRICT

CHRISTOPHER BRISTER,) ED92993
)
Plaintiff/Appellant,) Appeal from the Circuit Court
) of Cape Girardeau County
v.)
)
JAMES E. IKENBERRY, JR.,) Honorable Benjamin F. Lewis
WILLIAM V. TULL, BRIAN BERGER,)
JAMES R. MOORE, MIDWESTERN POWER)
LINE, INC., and OZARK BORDER)
ELECTRICAL COOPERATIVE,)
)
Defendants/Respondents.) Filed: December 22, 2009

Christopher Brister (Appellant) appeals from the summary judgment entered by the trial court in favor of Ozark Border Electric Cooperative (Respondent) on Appellant's claims against Respondent for injuries Appellant sustained while working as an employee of Midwestern Power Line Inc. (MPL) on Respondent's property.

REVERSED and REMANDED.

Division Two Holds: Respondent is not entitled to summary judgment on Appellant's claims against it, because Respondent did not establish that MPL is an independent contractor as a matter of law.

Opinion by: Sherri B. Sullivan, P.J. Robert G. Dowd, Jr., J. and Patricia L. Cohen, J., concur.

Attorneys for Appellants: James C. Owen, Timothy J. Ahrenhoersterbaeumer
Attorneys for Respondents: James E. Spain, Kristi J. Booker, John C. Clark, James W. Childress, David T. Ahlheim
Attorneys for Intervenor: James E. Laramore, Frank C. Bertrand, III

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